

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

TIMOTHY McDONALD,

Plaintiff,

v.

**BRANDON J. DAVIS, ASSISTANT
CHIEF COUNSEL, ATLANTA, GA;
U.S. CUSTOMS AND BORDER
PROTECTION; AND U.S.
DEPARTMENT OF HOMELAND
SECURITY,**

Defendants.

No. 1:23-cv-1029-STA-jay

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is the U.S. Customs and Border Protection and the U.S. Department of Homeland Security’s Motion to Dismiss for Lack of Subject-Matter Jurisdiction (ECF No. 24) filed October 31, 2023. On December 6, 2023, the United States Magistrate Judge issued a report and recommendation (ECF No. 32) that the Court grant Defendants’ Motion to Dismiss. Plaintiff Timothy McDonald had 14 days from the service of the Magistrate Judge’s report in which to file objections. Although Plaintiff has filed a number of other motions, Plaintiff has not objected to the report and its recommended conclusions of law, and the time to object has long since expired.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869-70 (1989)); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). The United States District Court for the Western District of Tennessee adopted Administrative Order 2013-05 for

this very purpose, referring all cases filed by non-prisoner plaintiffs to a United States Magistrate Judge for management of all pretrial matters. The Magistrate Judge has recommended that the Court grant Defendants' Motion to Dismiss pursuant to 28 U.S.C. § 636(b)(1)(B). While "a district judge must determine de novo any part of a Magistrate Judge's disposition that has been properly objected to," Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C), the district court is not required to review (under a de novo or any other standard) "any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. *Id.* at 151.

In the absence of any objection to the Magistrate Judge's recommendation, the Court hereby **ADOPTS** the Magistrate Judge's report and recommendation. Defendants' Motion to Dismiss is **GRANTED**. U.S. Customs and Border Protection and the U.S. Department of Homeland Security are hereby dismissed as parties to this action.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: July 17, 2024